

SSB 5038 - H COMM AMD

By Committee on Criminal Justice & Corrections

1 On page 1, line 5, strike all of section 1

2 Renumber the sections consecutively and correct any internal
3 references accordingly

4 On page 2, after line 27, delete section 3 in its entirety

5 On page 2, after line 27, insert

6 **"Sec. 3** RCW 46.63.110 and 2003 c 380 s 2 are each amended to
7 read as follows:

8 (1) A person found to have committed a traffic infraction shall
9 be assessed a monetary penalty. No penalty may exceed two hundred
10 and fifty dollars for each offense unless authorized by this
11 chapter or title.

12 (2) The monetary penalty for a violation of (a) RCW
13 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW
14 46.61.210(1) is five hundred dollars for each offense. No penalty
15 assessed under this subsection (2) may be reduced.

16 (3) The supreme court shall prescribe by rule a schedule of
17 monetary penalties for designated traffic infractions. This rule
18 shall also specify the conditions under which local courts may
19 exercise discretion in assessing fines and penalties for traffic
20 infractions. The legislature respectfully requests the supreme
21 court to adjust this schedule every two years for inflation.

22 (4) There shall be a penalty of twenty-five dollars for failure
23 to respond to a notice of traffic infraction except where the
24 infraction relates to parking as defined by local law, ordinance,
25 regulation, or resolution or failure to pay a monetary penalty
26 imposed pursuant to this chapter. A local legislative body may set
27 a monetary penalty not to exceed twenty-five dollars for failure to

1 respond to a notice of traffic infraction relating to parking as
2 defined by local law, ordinance, regulation, or resolution. The
3 local court, whether a municipal, police, or district court, shall
4 impose the monetary penalty set by the local legislative body.

5 (5) Monetary penalties provided for in chapter 46.70 RCW which
6 are civil in nature and penalties which may be assessed for
7 violations of chapter 46.44 RCW relating to size, weight, and load
8 of motor vehicles are not subject to the limitation on the amount
9 of monetary penalties which may be imposed pursuant to this
10 chapter.

11 (6) Whenever a monetary penalty is imposed by a court under
12 this chapter it is immediately payable. If the person is unable to
13 pay at that time the court may, in its discretion, grant an
14 extension of the period in which the penalty may be paid. If the
15 penalty is not paid on or before the time established for payment
16 the court shall notify the department of the failure to pay the
17 penalty, and the department shall suspend the person's driver's
18 license or driving privilege until the penalty has been paid and
19 the penalty provided in subsection (4) of this section has been
20 paid.

21 (7) In addition to any other penalties imposed under this
22 section and not subject to the limitation of subsection (1) of this
23 section, a person found to have committed a traffic infraction
24 shall be assessed a fee of five dollars per infraction. Under no
25 circumstances shall this fee be reduced or waived. Revenue from
26 this fee shall be forwarded to the state treasurer for deposit in
27 the emergency medical services and trauma care system trust account
28 under RCW 70.168.040.

29 (8)(a) In addition to any other penalties imposed under this
30 section and not subject to the limitation of subsection (1) of this
31 section, a person found to have committed a traffic infraction
32 other than of RCW 46.61.527 shall be assessed an additional penalty
33 of twenty dollars. The court may not reduce, waive, or suspend the
34 additional penalty unless the court finds the offender to be
35 indigent. If a community restitution program for offenders is
36 available in the jurisdiction, the court shall allow offenders to
37 offset all or a part of the penalty due under this subsection (8)
38 by participation in the community restitution program.

1 (b) Eight dollars and fifty cents of the additional penalty
2 under (a) of this subsection shall be remitted to the state
3 treasurer. The remaining revenue from the additional penalty must
4 be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20
5 RCW. Money remitted under this subsection to the state treasurer
6 must be deposited as provided in RCW 43.08.250. The balance of the
7 revenue received by the county or city treasurer under this
8 subsection must be deposited into the county or city current
9 expense fund. Moneys retained by the city or county under this
10 subsection shall constitute reimbursement for any liabilities under
11 RCW 43.135.060."

12 Correct the title

EFFECT: Removes the provision that criminalizes failure to yield to an emergency or police vehicle. Increases the monetary penalty for failing to yield to an emergency or police vehicle to five hundred dollars.